

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MICHAEL FLORES,

Plaintiff,

v.

KILOLO KIJAKAZI, *Acting Commissioner of
the Social Security Administration,*

Defendant.

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1:23-CV-1341-RP

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Susan Hightower concerning Plaintiff's social security appeal, (Compl., Dkt. 6), and Defendant's Unopposed Motion to Remand to Social Security Administration, (Mot., Dkt. 17). (R. & R., Dkt. 18). Pursuant to 28 U.S.C. § 636(b) and Rule 1(h) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Hightower issued her report and recommendation on May 23, 2024. (*Id.*). Judge Hightower recommended that the Court reverse and remand this case under the fourth sentence of 42 U.S.C. § 405(g) to the Commissioner of Social Security to conduct further administrative proceedings and that the Court enter judgment on behalf of Plaintiff. (*Id.*). As of the date of this order, no party has filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no

timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. 18), is **ADOPTED**.

IT IS FURTHER ORDERED that this case is **REVERSED** and **REMANDED** under the fourth sentence of 42 U.S.C. § 405(g) to the Commissioner of Social Security to conduct further administrative proceedings. **IT IS FURTHER ORDERED** that judgment is entered in favor of Plaintiff Michael Flores.

Final judgment will be entered as a separate order.

SIGNED on July 2, 2024.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE